

## REMARKS

Reconsideration of the present application, as amended, is respectfully requested. Claims 1-34 of the present application are currently pending. In the accompanying amendment, claims 1-6, 9, 12, and 27-34 have been amended. The amendments to the claims are fully supported by the specification, claims, and drawings as originally filed, and therefore do not add new matter.

### Claim Objections

The Examiner has objected to claims 5, 6, 9, and 12, as these claims contained errors which made them self-dependent. In response, the Applicants have amended the dependency of these claims and respectfully submit that these claims now comply with the provisions of 35 USC

### Claim rejections under 35 USC § 112

The Examiner has rejected claims 27-34 under 35 USC § 112, paragraph 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In this regard, the Applicants have amended claims 27-34 and respectfully submit that claims 27-34, as amended, now comply with the provisions of 35 USC § 112, paragraph 2.

Accordingly, the Applicants respectfully request the Examiner to withdraw the objection of claims 27-34 under 35 USC § 112, paragraph 2.

### Claim Rejections Under 35 USC § 103

The Examiner has rejected claims 1-34 under 35 USC § 103(a) over Lefkowitz, (“Lefkowitz,” US-6,091,417) in view of Spiegel et al., (“Spiegel,” US-6,466,918 B1). Applicants, however, respectfully disagree with the Examiner that claims 1-34 are rendered obvious in view of the combination of Lefkowitz and Spiegel.

In order to establish a *prima facie* of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Federal Circuit 1991).

Lefkowitz teaches a graphical user interface for use on a computer connected to a network that supports hypertext links. The graphical user interface comprises a web page having a graphical image which encompasses a predetermined area, and which represents a physical structure (Column 1, lines 55-60). Spiegel teaches a computer-implemented system and method for automatically identifying the most "popular" nodes within a browse tree or other hierarchy code browse structure (Column 1, lines 60-65). Spiegel does not teach or suggest a combination with Lefkowitz, and Lefkowitz does not teach or suggest a combination with Spiegel. Moreover, it would be impermissible hindsight to combine Lefkowitz and Spiegel in the manner suggested by the Examiner.

On page 4 of the Office Action, the Examiner argues that the apparent motivation to combine the teachings of Lefkowitz and Spiegel is "in order to provide users with a means to quickly identify popular web resources of interest." However, Lefkowitz is not attempting to solve the problem of providing users with a means to quickly identify popular web resources of interest, and thus, one skilled in the art would not be motivated to combine Spiegel and Lefkowitz. Moreover, Lefkowitz is attempting to provide a virtual simulation for a physical shopping mall (Column 2, lines 39-42). In order to make the virtual simulation realistic, Lefkowitz goes to the extent of representing conventional details from the physical world, even though such details can only be decoratively (non-functionally) represented in the virtual world. For example, conventional details such as restrooms or a food court in a shopping mall are represented in the virtual simulation even though they do not function as the conventional physical world embodiments, in order to provide some additional familiarity to a user as the user navigates through the graphical user interface. If the teachings of Spiegel were to be combined with the teachings of Lefkowitz, as suggested by the Examiner, then some representation of the respective popularity of web resources, as taught by Spiegel, would have to be incorporated into

the virtual shopping mall of Lefkowitz, thus destroying that the look and feel of the virtual shopping mall of Lefkowitz. Accordingly, one skilled in the art would not be motivated to combine the teachings of Lefkowitz and Spiegel, as suggested by the Examiner.

On account of the foregoing, it is respectfully submitted that the Examiner has failed to make a prima facie case that the present invention is obvious in view of the combination of Lefkowitz and Spiegel.

Claim 1, as amended, includes the following limitations:

A method of facilitating access to web sites, the method comprising:

- executing a 3D viewing environment module to display a portal site in a 3D viewing environment;
- receiving a selection of a first site from a user; the first site identified by a first resource locator and designated by the user in the portal site;
- generating a request for a first resource from the first site, the request including the first resource locator and to be sent to [the] a data network; and
- receiving a first display suitable for the 3D viewing environment, the display representing a respective popularity of a number of servers in a predefined time period;
- receiving the first resource; and
- displaying the first resource and the first display.

(Amended Claim 1) (Emphasis added.)

Lefkowitz teaches subregions 2 which are connected to web page sites 7. When a subregion is selected, a retail site corresponding to the “first resource” is imported into a second frame 14. Lefkowitz does not teach or suggest receiving a first display, as recited in Claim 1.

As has been argued above, the teaching of Spiegel may not be combined with the teaching of Lefkowitz, as suggested by the Examiner. However, if Spiegel were to be combined

with Lefkowitz, as suggested by the Examiner, then such combination would still lack the limitation of “displaying the first resource and the first display,” as recited in Claim 1. This is because Spiegel merely teaches providing a browse tree within which popular nodes are called to the attention of users by automatically elevating the nodes (see Abstract). Spiegel does not teach nor suggest displaying the content of a node and the popularity of another node simultaneously.

Claim 4, as amended, includes the following limitations:

A method of facilitating access to web sites comprising:

providing a designated portal site to a computing device over a network, the designated portal site including a plurality of identifiers, each identifying a server [over] within the data network, wherein the computing device is executing a 3D viewing environment module so that a user can interact with the data network in a 3D viewing environment; [and]

receiving a request for a resource from one of the servers, the request including the identifier of the server;

in response to the request, transmitting to the computing device a display suitable for the 3D viewing environment, the display representing a respective popularity of a number of separate servers in a predefined time period; and

transmitting to the computing device the resource.

(Amended Claim 4)

According to the teaching of Lefkowitz, when a subregion is selected, a retail site (“first resource”) corresponding to the subregion as imported (transmitted to) into the second frame 14. Lefkowitz fails to teach or suggest transmitting a display in response to a request, as recited in Claim 4. Further, the combination of Lefkowitz and Spiegel fails to teach or suggest transmitting the display, and transmitting the resource, to the computing device, as recited in Claim 4.

Claim 8 includes the following limitations:

A method of facilitating access to Web pages, the method comprising:  
providing a first three-dimensional (3D) module interface to receive  
requests for Web pages;  
in response to receiving a request for a first Web page, providing a second  
3D module interface including a set of links to a plurality of separate Web pages,  
each link of said plurality of separate Web pages including a representation of a  
number visits to each of said separate Web pages.

(Claim 8) (Emphasis added.)

As noted above, in response to a request (a subregion is selected), Lefkowitz teaches providing a retail site corresponding to the request. Lefkowitz fails to teach or suggest providing a set of links to a plurality of separate web pages, as recited in Claim 8. Further, Spiegel merely teaches providing a browse tree in which popular nodes are elevated. The combination of Lefkowitz and Spiegel fails to teach or suggest the emphasized limitation of Claim 8.

Claims 17 and 26, each of which are independent, include limitations similar to the above discussed limitations of Claim 8. Accordingly, it is respectfully submitted that Claims 17 and 26 are not anticipated or rendered obvious by the combination of Lefkowitz and Spiegel.

Further, the Examiner has argued that Lefkowitz teaches the limitation of “executing a 3D viewing environment module to display a portal site in a 3D viewing environment as recited in claim 1. In support of this argument, the Examiner has relied on Figure 3 of Lefkowitz and column 2, lines 55-57. However, the Examiner has failed to consider the following excerpt from Lefkowitz taken from Column 4, lines 10-20:

“FIG. 3 presents a depiction of a virtual mall with multiple levels. While this view is not how the virtual mall would appear to a user on a web page 11 it is illustrative of how the virtual mall functions. The virtual mall in this embodiment

consists of three separate graphical images 101, 201, 301, each similar in function to the graphical image 1 of FIG. 2. Each graphical image represents a floor of the virtual mall. A single graphical image is located on a web page at a time.”

Based on the foregoing excerpt, and on the graphical user interface shown in Figure 1 of Lefkowitz, it is respectfully submitted that Lefkowitz fails to teach or suggest a 3D viewing environment.

Accordingly, it is respectfully submitted that the combination of Lefkowitz and Spiegel fails to teach or suggest the limitation of “executing a 3D viewing environment module to display a portal site in a 3D viewing environment,” as recited in claim 1. For at least this reason, it is respectfully submitted that claim 1, is not anticipated or rendered obvious by the combination of Lefkowitz and Spiegel.

Further, given that claims 2 and 3 depend on claim 1, it is respectfully submitted that these claims are also not anticipated or rendered obvious by the combination of Lefkowitz and Spiegel.

Of the remaining claims, claims 4, 8, 17, and 26, are independent claims, and each includes the limitation of a “3D viewing environment,” or a “3D module.” Based on the foregoing arguments presented with respect to claim 1, it is respectfully submitted that these remaining independent claims are not anticipated or rendered obvious by the combination of Lefkowitz and Spiegel.

The remaining claims of the present application are dependent on one of independent claims 4, 8, 17, and 26, and are therefore not anticipated or rendered obvious by the combination of and are therefore not anticipated or rendered obvious by the combination of Lefkowitz and Spiegel.

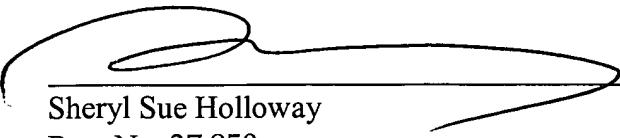
In view of the foregoing arguments, it is respectfully submitted that all pending claims are now in condition for allowance, which action is earnestly solicited.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Sheryl Sue Holloway  
Reg. No. 37,850

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1030  
(408) 720-8300